[25th January 1949

VII.—THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT) BILL [a], 1948 (L.A. BILL No. 1 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, this is only a small Bill. Under section 2 of the Commercial Crops Markets Act, commercial crop has been defined as cotton, groundnut or tobacco. It has been found that other crops like potatoes, cashewnuts, coconuts, copra might be brought in though potato may not exactly be a commercial crop but a food crop. But requests have come to the Government to declare them as commercial crops for the purposes of the Commercial Crops Markets Act. Under the definition as it now stands it cannot be done. Instead of specifically including them, as occasion arises the amendment takes power for the Government to include any other crop or product to be notified by the Government in the *Fort St. George Gazette* as a commercial crop. I move—

' *that the Bill be taken into consideration at once* '."

MR. PRESIDENT :—" The question is—

' that the Madras Commercial Crops Markets (Amendment) Bill, 1948 (L.A. Bill No. 1 of 1949), as passed by the Legislative Assembly be taken into consideration '."

* SRI R. SURYANARAYANA RAO :—" Mr. President, I have a few doubts which I would like the Hon. Minister to clarify. I never knew till this Bill was introduced that potatoes are considered as commercial crops. I thought that the Hon. Minister for Food has always been considering potatoes as food crop and in fact, the prices of potatoes were controlled and they were distributed through ration shops just as any other article of food and I do not know how he has allowed it to be classified under commercial crops."

THE HON. SRI K. MADHAVA MENON :—" It has not been classified yet."

* SRI R. SURYANARAYANA RAO :—" You have mentioned in the Statement of Objects and Reasons that representations have been made to the Government for the extension of the provisions of the Commercial Crops Markets Act to potatoes and copra.

" The second point that I would like to ask is how can a product become a crop? We see from the definition that it means ' cotton, groundnut or tobacco and includes any other crop or product.' I do not know how the draftsman allowed the use of the word ' products ' to come under commercial crops. I feel, Sir, it is a very curious definition of commercial crops. A product may be a processed food and how can it become a commercial crop? I would also like to know from the Hon. Minister if before the notification is issued bringing in any crop under the definition of commercial crops, the notification will be published in the *Fort St. George Gazette* and objections will be invited. I ask this, Sir, because in the Statement of Objects and Reasons it is proposed to

[a] Printed as Appendix IV on page 916 infra.

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bring immediately in potatoes under the Act and there may be some objections for treating potato as a commercial crop and the objection will be greater because the Marketing Committee will have to be constituted which will levy fees at rates specified in the schedule to the Act. The mere declaration that potato or copra is a commercial crop does not stop there because various other provisions of the Commercial Crops Act will apply. Is it the intention of the Government to bring in food crops like potato and even copra for that matter, under the commercial crops whereas the Act was meant to deal with real commercial crops as distinguished from food crops? I do not know how the department of Agriculture advised the Hon. Minister and how the other Ministers especially the Minister for Food agreed to potatoes coming under commercial crops."

* DR. V. K. JOHN :—" Mr. President, I must very strongly oppose the Bill. Its object is only to bring under the control of the Government business in crops which was not under the control of the Government hitherto. The Hon. Minister in charge of the Bill did not explain to the House the provisions of the Madras Commercial Crops Markets Act, 1933, which he seeks to amend now. Section 4 of that Act provides that no person within a 4-45 p.m.
notified area can set up, establish, purchase, sell or store or engage in the processing of commercial crops except under a licence granted by the Collector of the district. A commercial crop has been defined as cotton, groundnut or tobacco and for doing business in those commodities, one must be licensed by the Collector and Government control the marketing and production of these commodities. Only very few people are engaged in it but now the Government seek by this amendment to include any other crop or product notified by the Provincial Government in the *Fort St. George Gazette* for the purposes of this Act. Now, Sir, the reason given is that some representations have been made to extend the provisions of the Madras Commercial Crops Markets Act to potatoes and copra. I doubt very much whether any sensible man would have asked for it as it involves the issue of a licence by the Collector to deal in potatoes and copra. I doubt very much the seriousness, the extent and sincerity of the representation alleged to have been received by Government. According to them the representations are only to extend the provisions of the original Act for doing business in copra and potatoes under this licensing system. Now under cover of this representation Government want to extend the Act to any article. We might sympathize with Government if only they will not do violence to the language. According to them a commercial crop is a commercial crop. As Mr. Suryanarayana Rao pointed out Government want to include under this Act anything in the world. It includes food crop. The only thing they should do for it is to notify it in the gazette. They may notify even chairs. (Laughter.) For a chair is made of bamboo.

"Now, Sir, under this Bill extensive powers are sought by Government. This is a small amending Bill. The Hon. Minister has introduced it without explaining the scope and extent of application of the original Act as well as of this amending Bill. Sir, how serious is the encroachment on the business conducted in this Province the Government are making by seeking power to include any article under the Madras Commercial Crops Markets Act by means of notification? Not only potatoes and copra, but anything they like they can include. I say this is against principle and I vehemently protest against this kind of bringing in an amending Bill seeking to bring under Government control Government patronage and Government power almost any business that could be done in this Province. This Bill seeks to amend the Madras Commercial Crops Markets Act. I ask how many members of this House do understand the provisions of this Act?

"Another thing also I have to say. Any fee that Government like may be levied by this amending Bill. The original Act provides a fee which is mentioned in the schedule that is passed by the legislature. Now the present Bill speaks of the fee specified in the notification to be published by Government. That means, fees can be levied without the assent of the legislature. Sir, this is taking arbitrary powers. Are we here to give a free hand to Government? Why should the legislature exist then? They could as well say, hereafter the Government can do anything they like. Sir, in my speech on various control Bills, I said Government have taken power without limit. I say so here also. I strongly protest against this amending Bill."

* THE HON. SRI K. MADHAVA MENON :—"Sir, I want to correct one misunderstanding. Mr. Suryanarayana Rao asked, 'how can potatoes be called a commercial crop'? I say in the production stage potatoes cannot be called a commercial crop. It is only a food crop. But Ootacamund cannot eat all the potatoes produced there. They have to be sent to other places to be sold; it is at this stage it becomes a commercial crop. I may say also the request to include potato in this Act came from the producers of potato so that they may be saved from the tyranny of commercial agents and middlemen and they may get all the profit themselves. If the aim is to enable Government to earn a profit out of it, I am sure the hon. Minister for Food will not allow it. Similarly also is the case with groundnut. It is also treated as food crop first and then as a commercial crop.

"I may tell Dr. John that I am guilty of not explaining the provisions of this amending Bill in my opening speech. The original Act applies to cotton, groundnut and tobacco. The provisions of that Act will apply with all their implications to all articles which are brought under it. I thought members would be conversant with those provisions. Now, Dr. John was very vehement

that no sensible man would do anything or ask for licence and such things. I do not want to discuss upon the sense of persons in this matter. But I may tell Dr. John that we have under the Act market committees established at Tiruppur for cotton, in Nandyal for cotton and groundnut and in two or three places in South Arcot for groundnut. In all these places the request came from the ryots. Government do not get a pie out of this. The cess is collected and is the property of the market committee for providing godowns, supply manure and all other help they can to the cultivators. The money belongs to the market committee. Government have no patronage, have no appointments to make in this. The Director of Agriculture is an ex-officio member of this committee. So it is not as if Government take so much power to destroy business or trade.

" Mr. Suryanarayana Rao asked what was the necessity for including coconut in the Madras Commercial Crops Markets Act. The Indian Central Coconut Committee has been insisting upon us that we should include coconut also in this Act. The last letter we received from them is this :

' *The Indian Central Coconut Committee at its meeting held on the 23rd April 1947 considered the question of organizing regulated markets for copra and decided that a recommendation be made to the Provincial Governments indicating the desirability of introducing legislation for the establishment of regulated markets for copra. In conveying to you the above decision of the committee I am directed to request that you will be so good as to inform this office of the steps that you propose to take on the basis of the committee's recommendation.*'

Sir, persistent demands were made by the representatives of growers in the other House that potatoes, copra and coconut and other articles should be included, but Government have not yet decided with regard to some of them. In the case of potato, considerable difficulty was experienced regarding marketing, and as the growers were pressing Government it has to be included in this Act. But as Government has no power without legislation this amending Bill is brought forward. Mr. Suryanarayana Rao objected to copra being included in this Act as it is not a produce but a product. May I say what applies to jaggery (vellam) applies to copra. Jaggery is not a produce; it is a product. The same objection Mr. Bhashyam raised in the Lower House, and he asked me whether I meant produce or product. I explained to him the difference between the word produce and product. So, Sir, there is nothing sinister in this legislation. This is really intended to help growers. There is nothing of patronage or power taken by Government in this. For these reasons I request the Bill may be taken into consideration."

THE HON. DR. T. S. S. RAJAN :—" Sir, for the information of hon. Members of the House I may say, at a conference held here

in Madras of all the potato growers from the various parts of the Province that they decided that they must ask Government to help them to market potatoes and also levy a cess so that the proceeds of the cess may be devoted to the improvement of potato crop by investigating into the diseases of that crop. I happened to be the chairman of that conference and I explained to them the position of Government. So it is not fair to say that this is a food question. Potatoes are still there and we can lay our hands on it when we want; so there is no case for confusion of issues.''

The motion was put to vote and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON :—'' Sir, I move—

'*that the Bill be passed into law*'.''

The motion was put and carried.

5 p.m. **VIII.—THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT BILL, 1948 (L.A. BILL No. 2 OF 1949).**

THE HON. DR. T. S. S. RAJAN :—'' Mr. President, Sir, I move—

'*that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill*[a] 1948 (*L.A. Bill No.* 2 *of* 1949) *as passed by the Legislative Assembly be taken into consideration at once.*'

Section 9 (1) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, provides for the continuance in force of certain orders made under the Defence of India Rules and published in the Official Gazette. The expression 'Official Gazette' means only the *Gazette of India* or the Gazette of the Province and does not include a District Gazette. Certain orders were made under the Defence of India Rules by District Collectors and were published only in the District Gazettes. Doubts have arisen whether these orders can be regarded as having been continued in force by section 9 (1). The Bill seeks to amend that section with retrospective effect from the commencement of the main Act so as to make the validity of those orders beyond doubt.

'' Control on eggs has now been removed. Therefore the Bill seeks to omit the entry relating to 'Eggs' in the Schedule to the main Act.''

MR. PRESIDENT :—'' The question is—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949) as passed by the Legislative Assembly be taken into consideration at once.' ''

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[a] **Printed as Appendix V on page 917 infra.**